

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**VILLAGE MANOR, INC.,
CLEVELAND DEVELOPMENT,
INC., SOUTHEASTERN LIHTC
MANAGEMENT, INC., R. TIMOTHY
SINGLETON, SINGLETON &
ASSOCIATES, INC.,**

Plaintiffs,

vs.

**ARCH SPECIALTY INSURANCE
COMPANY, SCOTTSDALE
INSURANCE COMPANY, CHUBB
INSURANCE COMPANY, MARSH
USA, Inc.,**

Defendants.

Civil Action No. 2:08-cv-149-MHT

REPORT OF PARTIES' RULE 26(f) PLANNING MEETING

1. Pursuant to Fed. R. Civ. P. 26(f), a conference was held on March 27, 2008, in which the following persons participated:

Michael Guy Holton, Esq., Fuller, Taylor & Holton, P.C., representing the plaintiffs.

Walter J. Price, III, Esq., Huie, Fernambucq & Stewart, LLP, representing Defendant Federal Insurance Company.

Michael A. Vercher, Christian & Small, LLP, representing Defendant Scottsdale Insurance Company.

Matthew W. Robinett, Esq. and Thomas A. Kendrick, Esq., Norman, Wood, Kendrick, & Turner representing Defendant Arch Specialty Insurance Company.

Bobby Poundstone, Esq., Bradley Arant Rose & White, LLP, representing Defendant Marsh USA, Inc.

2. Pre-Discovery Disclosures. The parties will exchange the information required by Fed. R. Civ. P. 26(a)(1) by May 1, 2008.

3. Discovery Plan. The parties jointly propose to the Court the following discovery plan:

a. Discovery will be needed on the following subjects:

(1) The insurance policies purchased by plaintiffs during the years 2000 to 2005;

(2) The facts and circumstances giving rise to the complaint filed by KeyCorp Investment Limited Partnership III filed in Montgomery County Circuit Court, case no. CV-200-2795 and the ultimate denial of coverage for these claims.

(3) Any and all subjects set forth in or relevant to the Complaint filed in this matter.

b. All discovery commenced in time to be completed by October 15, 2008.

(1) Maximum of 25 interrogatories by each party to any other party with responses due 30 days after service.

(2) Maximum of 20 requests for admission by each party to any other party with responses due 30 days after service.

(3) Maximum of 40 requests for production by each party to any other party with responses due 30 days after service.

(4) The number of depositions needed cannot currently be ascertained and, accordingly, no limit on the number or length of depositions has been agreed upon or is requested in the scheduling order.

(5) Reports from retained experts under Rule 26 (a) (2) of the *Federal Rules of Civil Procedure* are due from Plaintiff by June 15, 2008, and any such experts shall be made available for deposition no later than July 15, 2008. Reports from retained experts from the Defendant are due by August 1, 2008, and any such experts shall be made available for deposition by not later than September 1, 2008.

c. Supplements under Fed.R.Civ.P. Rule 26(e), are due 30 days before the close of discovery.

d. With respect to discovery of electronically stored information ("ESI"), the parties agree that the producing party is entitled to its reasonable costs of production to be reimbursed by the requesting party.

e. The parties will submit to the Court a Stipulation and Consent to Confidentiality Agreement and a Stipulation and Consent Inadvertent Disclosure of Privileged Materials Agreement.

4. Other items.

- a. The Court ordered a status conference set for April 1, 2008, at 10:00 a.m. CST.
- b. The parties request a pretrial conference early November, 2008.
- c. All potentially dispositive motions should be filed 90 days before the Pretrial Conference.
- d. Any motions to amend the pleadings or to join additional parties must be filed within 30 days of the entry of the Court's scheduling order.
- e. Settlement and mediation cannot realistically be evaluated until the parties conduct further discovery.
- f. Final lists of trial witnesses and exhibits under Fed. R. Civ. P. 26(a)(3) must be served and filed by both parties 30 days before trial.
- g. Objections to witness and exhibit lists are to be filed within 15 days after receipt of final list.
- h. This case should be ready for trial by December of 2008 and at this time is expected to take approximately five (5) days.

The attorneys for the parties jointly prepared this Report of the Parties' Planning Meeting. Counsel for Plaintiffs and counsel for Defendants have reviewed this report and given permission to the undersigned to file this report electronically with the Court on behalf of the parties.

Respectfully submitted this the 31st day of March, 2008.

BRADLEY ARANT ROSE & WHITE LLP

/s/Bobby Poundstone
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